

Judge Vaidik, cont.

range of honors including the 1996 Indiana Domestic Violence Coalition Judge of the Year and the 1997 Indiana Judges Association Special Merit Award.

Judge Vaidik was appointed to the Court of Appeals in February 2000 by Governor Frank O'Bannon and was retained by election in 2002 and 2012. Because Judge Vaidik sees the Court of Appeals at the intersection of theoretical and practical law, she believes the Court should embody the highest degree of fairness and impartiality.

This view informs her passion for teaching, as she feels that Hoosiers, and all litigants, deserve the finest possible legal advocates on their behalf. Judge Vaidik also believes that legal writing must be distinguished by logical construction and clear, explanatory prose.

She is an adjunct professor at the Indiana University Maurer School of Law and won its 2011 Adjunct Professor of the Year Award. She has served as a visiting professor at the College of Law of England and Wales and taught as an adjunct professor at Valparaiso University Law School. She has taught at many law schools and for a number of organizations including the Indiana State Bar Association, the Indiana Legal Education Forum, and the Indiana Judicial Center.

Judge Vaidik has trained lawyers involved in prosecuting Rwandan war crimes, Mexican lawyers prosecuting

drug lords, and solicitor advocates seeking the rights of audience in the High Courts in Belfast, Northern Ireland. She is particularly proud of her long association with the National Institute of Trial Advocacy, which honored her with its 2007 Robert Keeton Faculty Award.

Despite her Court of Appeals caseload and her teaching, Judge Vaidik is also actively involved in a wide variety of community, legal, and judicial organizations. She served on the State of Indiana Children's Peak Performance Commission and has held many posts with the Indiana Judges Association and Indiana Judicial Center. She has been chairperson of the Judicial Education and Community Relations Committees of the Indiana Judicial Center and is a member of the American Bar Association, Indiana State Bar Association, and Sagamore Inns of Court.

She has received many other awards and honors including the 2004 Indiana State Bar Association's Women in Law Achievement Award, the 2007 Indiana Lawyer Distinguished Barrister Award, the 2003 Paragon of Justice Award from Valparaiso University Law School, and the Sagamore of the Wabash Award from two Indiana governors.

Judge Vaidik and her husband are the proud parents of twin daughters, one a medical doctor and one a lawyer, and they have two grandsons, who can choose either profession.

Judge Altice, cont.

Judge Altice moved to the civil division of the Marion Superior Court in 2013 and was appointed chair of the Marion Court Civil Term in January 2015.

Throughout his judicial career, Judge Altice has held leadership roles in organizations that improve the administration of justice. He accepted special assignments from the Indiana Supreme Court on the Judicial Performance Task Force and the Cameras in the Courtroom project, which allowed cameras in certain courtrooms under limited conditions. The Duval Work Release Center was built and opened during his tenure on the Marion County Community Corrections Advisory Board.

Judge Altice is a member of the Indiana Judges Association, the Indiana

State Bar Association, and the Indianapolis Bar Association. In April 2015, Judge Altice was appointed to serve on an ad hoc Indiana Tax Court Advisory Task Force.

His community activities include prior service on the Board of Directors of these organizations: Indianapolis Police Athletic League; the Martin Luther King Community Development Corp.; and Coburn Place Safe Haven, a transitional housing facility for domestic abuse victims.

He has presented on legal and ethical issues for the Indiana Continuing Legal Education Forum, the Indiana Judicial Center, and various Indiana bar associations. In his spare time, he enjoys gardening, golf and reading.

He and his wife, Kris, an attorney who is General Counsel for Shiel Sexton, have two adult children.

Attorneys for the Parties

For the Appellant

Christopher D. Wyant was born and raised in Noblesville. He completed his undergraduate degree at Indiana University in Bloomington in 2001 with a bachelor's of science in kinesiology. He then attended law school at Indiana University School of Law in Indianapolis, graduating in 2005.

Since achieving his law license in 2005, Chris has been in private practice in Indianapolis. His practice has primarily focused on representing injury victims throughout Indiana. He is a member of the Indiana Trial Lawyers Association and is the co-editor of the Indiana Appellate Case Reporter, a monthly publication provided to members of the Indiana Trial Lawyers Association. In the past, he served as the Chair of the Young Lawyers Section of ITLA.

Chris is married to his wife, Kelly, and they reside in Fishers. He enjoys rooting for his beloved Indiana Hoosiers basketball team, playing and watching sports, enjoying the outdoors and trying new restaurants.

For the Appellee

Frances Barrow joined the Office of Attorney General in 1994 as a deputy in Administrative and Regulatory Litigation. She has been a deputy in the Civil Appeals section since 2002.

Before joining the Attorney General's office Ms. Barrow was a deputy prosecuting attorney in the Floyd County Prosecutor's Office in New Albany, IN, her home town.

She received a BA degree from Lake Forest College in Lake Forest, IL, in 1977, an MA in Religion from Yale Divinity School in 1985, and her law degree from the Wake Forest University School of Law in 1989.

Ms. Barrow has been a presenter at CLE seminars on the topics of defending class action lawsuits, injunction practice, child support appeals and administrative law.

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SYNOPSIS

John Doe #1 (Doe) and his family live in a home in the small town of Oolitic. He drives a bus that regularly takes children in their neighborhood to church events. As a result of his involvement with many of these children, as well as incidents he witnessed in the neighborhood, Doe came to believe that children in various homes were being neglected.

In late June 2013, Doe spoke to his wife about his concerns, which she shared, and she reluctantly agreed that he should make a report to DCS.

Doe called the Indiana Department of Child Services (DCS) hotline to report his suspicions that children in several homes on his street were in need of services due to dangerous living situations. Before he was about to end the call, the DCS employee asked for his name and phone number. Doe replied that he did not want anyone to know that he had called. The employee responded that the information was confidential and nobody would find out that he made the report. Doe then agreed to give his first name and phone number, but not his last name.

About a week later on July 3, 2013, Doe was confronted in his front yard by one of the neighbors he had reported. While screaming and yelling obscenities, the neighbor angrily accused Doe of calling DCS. She had in her possession an unredacted copy of the DCS report, which identified Doe as the reporting source. Other neighbors observed the confrontation and became aware that Doe made the report.

From that point on, Doe and his family allege they no longer felt comfortable outside their house. They wanted to relocate but could not afford to move.

Doe indicated that he was "stared at, glared at, mooned, flipped off, yelled at, you know, every day, forever." His daughter was bullied by other kids. Both Doe and his wife allegedly missed work due to stress and lack of sleep. Although not present for the initial confrontation, Doe's wife was screamed at and threatened by the neighbor on subsequent occasions.

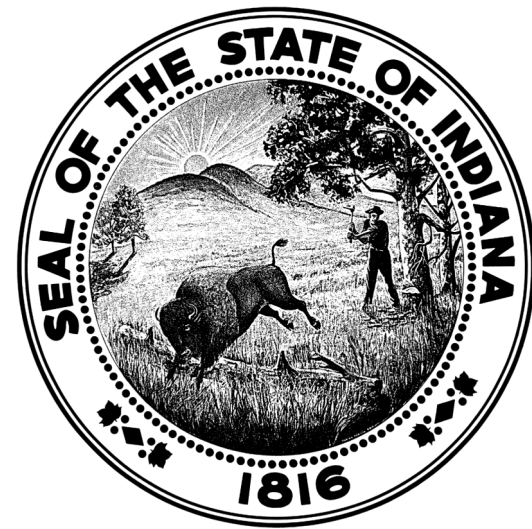
On April 4, 2014, Doe and his family

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Court of Appeals of Indiana

*Hearing oral argument at
Martin University*

Thursday, April 21, 2016 @ 10 a.m.



*John Doe v. Department
of Child Services
49A02-1506-CT-682*

*On Appeal from Marion Superior Court
The Honorable John F. Hanley, Judge*

Indiana Bicentennial 1816-2016

Synopsis, cont.

(wife – Jane Doe #1, two adult sons – John Doe #2 and John Doe #3, and minor daughter – Jane Doe #2) filed a complaint for damages against DCS. The complaint alleged that DCS was negligent in failing to protect Doe’s identity as the reporting source as required by Ind. Code § 31-33-18-2.

DCS filed for summary judgment. DCS did not dispute that the disclosure of Doe’s identity violated the statute, as well as its own policy manual and written code of conduct. Rather, DCS argued that the Does had no private right to bring a claim for violation of the statute

In response, the Does argued that DCS owed a duty to them under the statute and common law. Following a hearing, the trial court granted summary judgment in favor of DCS on May 28, 2015, and dismissed the case with prejudice. The Does now appeal.

On the Road with the Court

Appeals on Wheels shines a light on the real-world legal issues that Appeals Court judges must decide. Audiences also get to observe skilled legal arguments and advocacy by some of Indiana’s best lawyers, against a backdrop of case-specific facts and statutory and constitutional law.

The Court has conducted more than 440 Appeals on Wheels oral arguments since its 2000-2001 centennial. Today’s argument is the 15th such event this year.

Appellee’s Attorney, cont.

Ms. Barrow is a volunteer with the Judges and Lawyers Assistance Program and previously volunteered with Big Brothers and Big Sisters of Central Indiana.

Ms. Barrow is licensed to practice law in Indiana and Louisiana.



Indiana Avenue, circa 1955-56. Photographer unknown. National Register of Historic Places

Marion County’s many monuments of black history

The National Register of Historic Places records at least eight buildings or more general sites that reflect the rich history of African Americans in Marion County. The listings cover a wide range of types, from religious to educational to commercial and cultural. Together, they suggest the centrality of African American history to Indiana history.

As early as 1749, church records report African American baptisms, marriages and burials in Vincennes, and the 1810 territorial census reported 630 Negroes in Indiana, of a total population of almost 24,000. By 1860, Indiana’s black population exceeded 11,000, including 825 in Marion County.

Bethel A.M.E. Church, Indianapolis, is the oldest site on the National Register linked to Marion County’s African American legacy. It was founded in 1836 and the present structure was begun in 1867. The congregation later birthed the Indianapolis chapter of the NAACP and the State Federation of Colored Women’s Clubs.

Indiana’s African-American population had grown to 57,505 by the 1900 Census, including 15,931 in Indianapolis. Many lived along or near Indiana Avenue, where black-owned businesses included restaurants, saloons, grocery and clothing stores, barbershops, doctors and dentists, and funeral homes.

“The Avenue” gained later fame as a cultural and entertainment district, and some surviving buildings from that era are noted in the National Register. They include the Madame C.J. Walker Building and the Columbia Theater, which was the first in the city to play a motion picture with an all-black cast.

As Indiana’s African American population grew, so did the need for professional services. A number of African American lawyers helped fill that niche, including James T.V. Hill, the first black man admitted to the bar.

Flanner House, also on the National Register, was founded in 1898 as a “settlement house” whose most important function, at least initially, involved employment and training services for women and nursery care for their children.

The National Register also has entries on Crispus Attucks High School, which opened in 1927 to segregate – not desegregate – the city’s high schools, and on the Haughville and Ransom Place neighborhoods.

Sources: National Register of Historic Places; Emma Lou Thornbrough, “Peopling Indiana”

Today’s Panel of Judges



The Honorable
James S. Kirsch

Marion County

James S. Kirsch was appointed to the Court of Appeals in 1994, was retained by election in 1996 and 2006 and served as Chief Judge from 2004-2007. He also has served as a state trial court judge and has extensive national and international teaching experience.

A native of Indianapolis, Judge Kirsch graduated from Indiana University School of Law-Indianapolis (J.D., cum laude) and Butler University (B.A. with honors).

He served as Judge of the Marion Superior Court from 1988 to 1994 and as Presiding Judge of the Court in 1992. From 1974-1988, he practiced law with the firm of Kroger, Gardis & Regas in the areas of commercial and business litigation and served as managing partner of the firm.

Since 1990, Judge Kirsch has held an appointment as Visiting Professor of Law and Management at the Krannert Graduate School of Management at Purdue University. He has taught law in 21 countries on four continents and currently holds university-level faculty appointments in Germany, Hungary and the Netherlands.

Judge Kirsch is also committed to continuing legal education and has served on the faculty of more than 200 CLE programs. In 1990, the Indianapolis Bar Association presented him with its highest award, the Honorable Paul H. Buchanan Award of Excellence.

Judge Kirsch also has deep ties to the Indiana State Bar Foundation, the Indianapolis Bar Association and Bar Foundation and to community organizations that include the United Way of Central Indiana, the Indianapolis Urban League, the Legal Aid Society of Indianapolis and the Stanley K. Lacey Leadership Foundation.

Judge Kirsch and his wife, Jan, have two children.



The Honorable
Nancy H. Vaidik

Porter County

Nancy H. Vaidik is a judge and a teacher with broad experience in both trial and appellate courts and in legal classrooms. She has an expertise in trial advocacy and appellate advocacy, with a strong background in the rules of evidence and legal mediation.

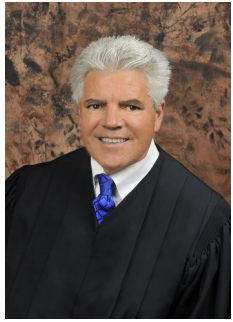
Judge Vaidik was selected by her colleagues as **chief judge** of the Court of Appeals for a three-year term beginning Jan. 1, 2014.

Judge Vaidik grew up in Portage, Indiana, and is a sixth-generation Hoosier who retains strong ties to her home town. She graduated with high distinction from Valparaiso University in 1977, with a double major in political science and psychology, and then studied at Valparaiso University Law School, where she earned her Juris Doctor in 1980.

Her early years as deputy and then chief deputy Porter County prosecutor provided the grounding for her judicial career. As an attorney, she tried over seventy-five jury trials and founded the Porter County Victims Assistance Unit, the Porter County Sexual Assault Recovery Project, the Domestic Violence Service, and the Valparaiso University Law School Mediation Clinic. She also served on the Porter County Community Corrections Board and led a countywide task force that spearheaded the eventual construction of a new county jail. After serving as a prosecutor, she went into private practice and specialized in domestic relations, probate, municipal law, and general litigation. She represented Caring Place, Inc., a shelter for battered women in Valparaiso.

From 1992 to 2000, she served as the judge of the Porter Superior Court. During her tenure on the trial court, Judge Vaidik was awarded a wide

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The Honorable
Robert R. Altice, Jr.

Marion County

Robert R. Altice, Jr., was appointed to the Court of Appeals by Gov. Mike Pence and began his service on Sept. 2, 2015.

Judge Altice earned his undergraduate degree from Miami University, Oxford, OH, a master’s degree in criminal justice administration from the University of Central Missouri, and his law degree from the University of Missouri-Kansas City School of Law.

Judge Altice began his career handling felony cases as a deputy prosecutor in Jackson County, MO, before being promoted to Chief Deputy Prosecutor for the Drug Unit. He then practiced with a Kansas City civil law firm, focusing on medical malpractice defense. After moving to Indianapolis, he concentrated on insurance defense in private practice.

Judge Altice returned to prosecution in 1994, handling a major felony caseload as a deputy prosecutor for the Marion County Prosecutor’s Office. He served as Chief of the Felony Division from 1997-2000, trying more than 100 major felony jury trials, including 25 murder cases. While serving briefly as the Office’s Chief Counsel, he helped amend Indiana laws on domestic battery and possession of firearms by violent felons.

Judge Altice was elected to the Marion County bench in 2000. As judge of Marion Superior Court, Criminal Division 2 from 2001-2012, he presided at 250 major felony jury trials, including 75 murder trials (seven death penalty trials).

Judge Altice also served as chair of the Marion Superior Court Criminal Term from 2005-2007, as a member of the Executive Committee for the Marion Superior Court from 2007-2009, and as Presiding Judge of the Marion Superior Court from 2009 to 2011.

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